

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD A. KATZ TECHNOLOGY
LICENSING, L.P.,

Plaintiff,

v.

COMCAST CORPORATION; COMCAST
CABLE COMMUNICATIONS, LLC;
COMCAST OF NEW CASTLE COUNTY, LLC;
COMCAST OF DELMARVA, INC.;
COMCAST OF EASTERN SHORE, LLC;
COMCAST OF CALIFORNIA II, LLC;
COMCAST OF CALIFORNIA/COLORADO,
LLC; COMCAST OF ARKANSAS/FLORIDA/
LOUISIANA/MINNESOTA/MISSISSIPPI/
TENNESSEE, INC.; COMCAST OF
COLORADO/PENNSYLVANIA/WEST
VIRGINIA, LLC; COMCAST OF FLORIDA/
ILLINOIS/MICHIGAN, INC.; COMCAST OF
GARDEN STATE, L.P.; COMCAST OF
HOUSTON, LLC; GEICO CORPORATION;
GOVERNMENT EMPLOYEES INSURANCE
COMPANY; GEICO GENERAL INSURANCE
COMPANY; GEICO INDEMNITY COMPANY;
GEICO CASUALTY COMPANY; XM
SATELLITE RADIO HOLDINGS, INC.;
XM SATELLITE RADIO, INC.; XM RADIO,
INC. and XM EQUIPMENT LEASING, LLC,

Defendants.

Case No.: 1:07-cv-00361-GMS

JURY TRIAL DEMANDED

**THE GEICO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT OR,
ALTERNATIVELY, FOR A MORE DEFINITE STATEMENT**

Defendants Geico Corporation, Government Employees Insurance Company, Geico General Insurance Company, and Geico Indemnity Company (collectively "Geico Defendants"), hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Count II of Plaintiff Ronald A. Katz Technology Licensing, L.P.'s Amended Complaint for Patent

Infringement for failure to state a claim upon which relief may be granted. In the alternative, the Geico Defendants hereby move pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for a more definite statement of Katz's claims.

The Court is respectfully referred to the accompanying brief for the reasons advanced in support of this motion.

Respectfully submitted,

FOX ROTHSCHILD LLP

By: /s/ Francis G.X. Pileggi
Francis G.X. Pileggi, Esquire (#2624)
Citizens Bank Center, Suite 1300
919 North Market Street
Wilmington, DE 19801-2323
Phone: (302) 655-3667
Email: fpileggi@foxrothschild.com

-and-

WARD & OLIVO
John F. Ward, Esquire
David M. Hill, Esquire
Michael G. Gabriel, Esquire
708 Third Avenue
New York, New York 10017
Phone: (212) 697-6262
Email: wardj@wardolivo.com
hilld@wardolivo.com
gabrielm@wardolivo.com

Counsel for Defendants and Counterclaim Plaintiffs
**GEICO CORPORATION, GOVERNMENT
EMPLOYEES INSURANCE COMPANY, GEICO
GENERAL INSURANCE COMPANY, GEICO
INDEMNITY COMPANY AND GEICO
CASUALTY COMPANY**

Dated: August 22, 2007

CERTIFICATE OF SERVICE

I, Francis G. X. Pileggi, Esquire, hereby certify on this 22nd day of August 2007, that the Geico Defendants' Motion to Dismiss Plaintiff's Complaint or, Alternatively, for a More Definite Statement has been served with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Andre G. Bouchard, Esq.
John M. Seaman, Esq.
Bouchard Margules & Friedlander, P.A.
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

/s/ Francis G.X. Pileggi
Francis G.X. Pileggi, Esquire (#2624)